

ANTHONY P. CAPOZZI, CSBN: 068525
THE LAW OFFICE OF ANTHONY P. CAPOZZI
1233 West Shaw Avenue, Suite 102
Fresno, California 93711
Telephone: (559) 221-0200
Facsimile: (559) 221-7997
E-Mail: Anthony@capozzilawoffices.com
www.capozzilawoffices.com

Attorney for Defendant,
STEFAN KIRKEBY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.)	CASE NO.: 1:22-CR-00228-JLT-SKO
)	
Plaintiff,)	
)	STIPULATION TO CONTINUE
v.)	SENTENCE DATE OF
)	JUNE 30, 2025
STEFAN KIRKEBY,)	
)	
Defendant.)	
)	Date: June 30, 2025
)	Time: 9:00 a.m.
)	Court: Hon Jennifer L. Thurston

**TO THE HONORABLE COURT AND TO THE ASSISTANT UNITED STATES
ATTORNEY:**

Defendant, Stefan Kirkeby by and through his Attorney, Anthony P. Capozzi and the United States, by and through the Assistant United States Attorney, Laurel Montoya, stipulate to continue the sentencing date of June 30, 2025, to September 29, 2025. Said stipulation is based upon the Declaration of Anthony P. Capozzi.

I, Anthony P. Capozzi, declare:

1. This attorney represents the defendant, Stefan Kirkeby.
2. On February 21, 2023, Mr. Kirkeby entered a plea of guilty to Count One of the Indictment. (Docket # 42)

- 1 3. On May 12, 2023, this attorney substituted as attorney for the defendant, Stefan Kirkeby.
2 (Docket # 47)
- 3 4. On November 13, 2024, this Court denied Mr. Kirkeby's motion to withdraw his plea.
4 (Docket #83)
- 5 5. The final Presentence Report was received on January 13, 2025, and on January 23, 2025,
6 the sentencing date was continued to April 12, 2025. (Docket # 89)
- 7 6. This attorney had been in a jury trial in People v. Rodriguez, Case No. M19925929, in
8 the Fresno Superior Court from March 20, 2025, to April 2, 2025, and in a day long
9 sentencing in Sacramento before Judge Dale A. Drozd, in United States v. Agricultural
10 Contracting, dba American Labor Alliance, Marcus Asay, and Antonio Gastelum, Case
11 No. 1:19-CR-00003-DAD-BAM, on April 10, 2025.
- 12 7. Mr. Kirkeby's wife has recently returned to the United States and has met and
13 interviewed with this attorney which has required additional investigation.
- 14 8. This attorney has not had enough time to prepare for sentencing and for a motion to
15 reconsider the denial of the motion to withdraw the defendant's plea.
- 16 9. Both parties have agreed to continue the sentencing date to September 29, 2025, at 9:00
17 am.

18 I declare under penalty and perjury under the law of the State of California that
19 the foregoing is true and correct.

20 Executed on the 18th day of June 2025, in Fresno, California.

21
22 By: /s/ Anthony P. Capozzi
23 ANTHONY P. CAPOZZI, Attorney for
24 STEFAN KIRKEBY

25 IT IS STIPULATED.

26 Dated: June 18, 2025,

27 By: /s/ Laurel Montoya
28 LAUREL MONTOYA,
Assistant United States Attorney

ORDER

Based upon the Stipulation of the parties, it is hereby ordered that the sentencing date of June 30, 2025, be continued to September 29, 2025, at 9:00 am. The Court does not anticipate again approving a continuance of the sentencing hearing.

IT IS SO ORDERED.

Dated: **June 20, 2025**


UNITED STATES DISTRICT JUDGE